

## **REMARKS**

### **I. The Pending Claims and the Amendments to the Claims, Drawings, and Specification and the 35 USC 112 Second Paragraph Rejection of Claims 9 and 10**

With the entry of the above amendment, the pending claims are Claims 1-8 and 10-21, with Claim 1 being the only independent claim, and Claims 2-21 being the pending dependent claims.

Claim 1 is amended to recite the first and second films as “flat” films, i.e., films that are not thermoformed. Support for this amendment can be found in the specification at Page 3 lines 1-7 and Page 9 lines 11-17, as well as FIG. 1 and FIG 2 and the descriptions accompanying these figures. Both FIG. 1 and FIG. 2 illustrate first film 8 and second film 10 as flat films, i.e., non-thermoformed films. Dependent claims 3, 12, 13, 17, 18, and 19 are also amended to recite the first and second films as flat films.

Claim 1 is further amended by the addition of the recitation that the heating includes passing the first and second films together in partial wrap around the heated roller having a raised surface. Support for this amendment can be found in the specification at Page 5 lines 5-14 and FIG. 1 and at Page 8 line 31 through Page 9 line 3 and FIG. 3.

Claim 1 is further amended to recite rolling up or transporting the first and second flat films after they are heat sealed to one another, for subsequent inflation and sealing. Support for this amendment can be found in the specification at Page 8 lines 9-13.

Claim 9 is canceled, and Claim 10 is amended by changing the word “polyinfused” to “release”. Support for this amendment can be found in the specification at Page 6 line 11. The cancellation of Claim 9 and the amendment of Claim 10 render moot the rejection under 35 USC 112, second paragraph.

New Claim 20 recites the first flat film passing partially around the heated roller having the raised surface before the first flat film contacts the second flat film, with the first and second flat films together passing further around the heated roller having the raised surface. Support for this claim can be found in FIG. 1 and at Page 5 lines 5-14 of the specification.

New Claim 21 recites the first flat film and the second flat film in contact with one another when first flat film contacts the heated roller having the raised surface. Support for this claim can be found in the specification at FIG. 2 and at Page 8 line 31 through Page 9 line 3.

The amendments include no new matter.

## II. The Various §103 Rejections of the Claims

In Section 5 of the 8 December 8 office action, Claims 1-8 and 11-19 are rejected under 35 USC 103(a) as unpatentable over U.S. Patent No. 3,142,599, to Chavannes in view of U.S. Patent No. 4,576, 669, to Caputo. The Office Action states that Chavannes discloses a process for making an inflatable article, including contacting a first film with a second film and heating selected portions of at least one of the first and second films to a temperature above the fusion temperature of the first and second films, to heat seal the first and second films to one another to produce a laminated article having a heat seal pattern providing a plurality of chambers between the first film and the second film, with the first and second films are forwarded at a speed of at least 120 ft/min while contacting one another and with heating being carried out by contacting the first film with a heated raised surface roller. The office action goes on to admit that Chavannes is silent as to the raised surface roller having a release coating, but states that Caputo discloses a method of making an inflatable article wherein a first film is heat sealed to a second film on a raised surface roller coated with a PTFE

release layer in order to prevent the film from sticking to the roller. On this basis, the office action concludes that it would have been obvious to one of ordinary skill in the art to coat the raised surface roller of Chavannes with the PTFE release coating of Caputo. The office action thereafter goes on to cite various portions of Chavannes and Caputo for the features recited in Applicants' claims 2-8, and 11-13, 15-19, and states that routine experimentation by one of ordinary skill in the art would have achieved Applicants' recited Shore A hardness of Claim 14.

In section 6 of the 8 December office action, Claims 9 and 10 are rejected as unpatentable over Chavannes in view of Caputo, and further in view of Havenicht et al USPN 5,387,172, and states that Habenicht et al discloses a roller that can be used for guiding films, that can be made of metal and that can having a polyinfused coating providing excellent wear resistance.

In response, the Applicants contend that the office action does not set forth a prima facie case of obviousness of amended Claim 1, and all claims depending therefrom. Applicants first note that Claim 1 recites an inflatable article. The air cellular articles of both Chavannes and Caputo are not inflatable. Rather, the air cellular articles of Chavannes and Caputo trap air between a formed first film and a flat backing film. The difference between the air-cellular articles of Chavannes and Caputo and Applicants' invention is further distinguished by (a) the amendment of Claim 1 to further recite "rolling up or transporting the first and second flat films after they are heat sealed to one another, for subsequent inflation and sealing", and (b) the amendment to recite the first and second films as "flat" films, i.e., films that are not thermoformed. Thus, it is clear that as amended, Applicants' process makes an inflatable article by sealing two flat films together and thereafter rolling up or transporting the first and second flat films after they are sealed to one another, for subsequent inflation and sealing. Neither Chavannes nor Caputo teaches or suggests an inflatable

article comprising two flat films heat sealed to one another. Neither Chavannes nor Caputo teaches or suggests a process for making an inflatable article comprising two flat films heat sealed to one another.

Applicants respectfully contend that no prima facie case of obviousness has been set forth until and unless some teaching or suggestion is set forth for making an inflatable article comprising two flat films heat sealed to one another. In this regard, Applicants direct attention to the various office actions in co-pending USSN10/858,803 to Kannankeril et al and 10/980,585 to Kannankeril et al, as well as to USPN 6,800,162 also to Kannankeril et al. However, Applicants further note that as amended above, Claim 1 recites the heating selected portions of the first and second flat films as including passing the first and second flat films together in partial wrap around the heated raised surface roller.

### III. The Double Patenting Rejection

In response to the obviousness-type double patenting rejection of Claims 1-16 over USPN 6,800,162, Applicants file concurrently herewith a Terminal Disclaimer over USPN 6,800, 162.

### IV. Supplemental IDS

Applicants file concurrently herewith copies of the office actions and amendments in copending USSN10/858,803 to Kannankeril et al and 10/980,585 to Kannankeril et al, as well as office actions and amendments in the prosecution of USPN 6,800,162 also to Kannankeril et al.

Conclusion

Accordingly, Applicants respectfully request reconsideration of the patentability of the pending claims, in view of the amendments and remarks set forth above.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Rupert B. Hurley Jr.", written over a horizontal line.

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enclosures: Terminal Disclaimer over USPN 6,800,162  
Supplemental IDS